

AMENDED IN SENATE MARCH 23, 2011

SENATE BILL

No. 471

Introduced by Senator Rubio

February 17, 2011

An act to add Section 18927 to the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

SB 471, as amended, Rubio. CalFresh.

Existing federal law provides for the federal Supplemental Nutrition Assistance Program (SNAP), formerly the Food Stamp Program, under which nutrition assistance benefits, formerly referred to as food stamps, are allocated to each state by the federal government. Under existing state law, pursuant to CalFresh, California's federal allocation is distributed to eligible individuals by each county. Existing law authorizes a county to deliver CalFresh benefits through the use of an electronic benefits transfer (EBT) system and also prohibits recipients from purchasing certain items with their CalFresh benefits.

This bill would, to the extent permitted by federal law, require the State Department of Social Services to ~~expand the list of items that are not allowed to be purchased with CalFresh benefits, as prescribed. This bill would also require the department to prohibit the use of CalFresh benefits at restaurants, including fast-food restaurants.~~ *modify the list of allowable food items purchasable under CalFresh to prohibit recipients of CalFresh from purchasing with CalFresh benefits sweetened beverages containing more than 10 calories per cup, except that CalFresh benefits would be authorized to be used to purchase juice without added sugar, milk products, and milk substitutes, even if*

sweetened. The bill would require the department to seek all necessary federal approvals to implement these provisions.

To the extent that this *bill* would increase the duties of county officials that administer CalFresh, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Two-thirds of adults and nearly one in three children are
4 overweight or obese in the United States. The federal Centers for
5 Disease Control and Prevention reports that 24.8 percent of
6 Californians are obese. Obesity presents a major financial burden
7 to the state because it is associated with common chronic conditions
8 including heart disease, diabetes, and cancer. The “obesogenic”
9 elements of American society must be addressed to improve both
10 the public health and the fiscal health of the nation.

11 (b) In May 2010, the White House Task Force on Childhood
12 Obesity called for the nation’s food assistance programs to
13 contribute to the solution required to solve the multifaceted
14 problem of obesity by ensuring access to nutritious foods.
15 Currently, under the United States Department of Agriculture
16 (USDA) guidelines for the federal Supplemental Nutrition
17 Assistance Program (SNAP), CalFresh recipients have a relatively
18 large degree of freedom with respect to which food products they
19 may purchase with their SNAP dollars, through the Golden *State*
20 Advantage Electronic Benefits Transfer (EBT) card. There are a
21 number of items, however, that are not allowed to be purchased
22 with the EBT card at point-of-sale, including alcoholic beverages,
23 cigarettes, cat litter, and hot foods.

(c) While the USDA claims that SNAP’s stated goal is to “provide food assistance to raise levels of nutrition among low-income individuals,” recent epidemiological and public health studies focused on California’s SNAP population have indicated that SNAP participants are more likely to be obese than non-SNAP participants. Additionally, soda consumption among participants is significantly higher than nonparticipants.

~~(d) In response, the Legislature is proposing significant changes to the allowable food items that may be purchased under CalFresh and other relevant food assistance programs administered by the state. It is the intent of the Legislature to ensure that taxpayer dollars are being used to provide staple food items under these programs. Precedent for providing healthy, staple food items can be found in the California-administered Women, Infants, and Children (WIC) program.~~

(d) Excess consumption of sugar-sweetened beverages, including, but not limited to, soda, promotes both tooth decay and increased body weight in children while providing few essential nutrients. Additionally, SNAP recipients purchase at least 40 percent more sugar-sweetened beverages than do other consumers, according to the USDA’s National Health and Nutrition Survey.

(e) In response, the Legislature is requesting the State Department of Social Services to seek all necessary federal approvals to modify the list of allowable foods that may be purchased with CalFresh benefits in California to prohibit the purchase of sugar-sweetened beverages, including, but not limited to, sodas, that have little or no nutritional value and contribute to obesity and poor health outcomes.

SEC. 2. Section 18927 is added to the Welfare and Institutions Code, to read:

18927. (a) To the extent permitted by federal law, the State Department of Social Services shall ~~do both of the following:~~

~~(1) Expand the list of items that are not allowed to be purchased with federal Supplemental Nutrition Assistance Program (SNAP) dollars under CalFresh to prohibit recipients from purchasing nonstaple, unhealthy foods. The list of prohibited items shall include, but not necessarily be limited to, all of the following:~~

~~(A) Sweetened beverages, including sodas;~~

1 ~~(B) Sweets, such as jello, candy, ice cream, pudding, popsicles,~~
2 ~~muffins, sweet rolls, cakes, cupcakes, pies, cobblers, pastries, and~~
3 ~~doughnuts.~~

4 ~~(C) Salty snack foods, such as corn-based salty snacks, pretzels,~~
5 ~~party mix, popcorn, and potato chips.~~

6 ~~(2) Prohibit the use of CalFresh benefits at restaurants, including~~
7 ~~fast-food restaurants. modify the list of allowable food items that~~
8 ~~may be purchased with federal Supplemental Nutrition Assistance~~
9 ~~Program dollars under CalFresh so that no CalFresh benefits may~~
10 ~~be used to purchase sweetened beverages containing more than~~
11 ~~10 calories per cup, except that CalFresh benefits may be used to~~
12 ~~purchase juice without added sugar, milk products, and milk~~
13 ~~substitutes, even if sweetened.~~

14 (b) The department shall use culturally sensitive campaigns to
15 promote the modifications made to CalFresh pursuant to this
16 section as well as the benefits of healthy and nutritious eating
17 habits.

18 (c) In implementing this section, the department may collaborate
19 with any public or nongovernmental organizations that promote
20 the health and well-being of all Californians.

21 (d) The department shall seek all necessary federal approvals
22 to implement this section, which may include a waiver of federal
23 law from the United States Department of Agriculture.

24 SEC. 3. If the Commission on State Mandates determines that
25 this act contains costs mandated by the state, reimbursement to
26 local agencies and school districts for those costs shall be made
27 pursuant to Part 7 (commencing with Section 17500) of Division
28 4 of Title 2 of the Government Code.